

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Doherty *et al.*

**Application No.** 10/568,055

**Filed:** February 10, 2006

**Confirmation No.** 3696

**For:** PROKARYOTIC DNA REPAIR LIGASES

**Examiner:**

**Art Unit:** 1645

**Attorney Reference No.** 6947-73362-01

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP MISSING PARTS COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney or Agent  
for Applicant(s)

Date Mailed September 25, 2006

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**REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26**

In accord with the Patent Office notice of January 20, 1983 (1027 TMOG 14), Applicants hereby requests a refund.

*Request for Refund*

The referenced application was submitted to the Patent Office under §371 on February 10, 2006. Though the Transmittal Letter that accompanied the filing included a complete calculation of the fees due, Applicants provided only the \$300.00 Basic National Fee with the filing (check #120857). Deposit Account authority was not provided with the filing of the application, nor has it been provided since the filing date. For reference, a copy of the Transmittal Letter is submitted herewith (**Exhibit A**; 2 pages).

The Monthly Statement of Deposit Account (No. 02-4550) dated July 31, 2006, indicates that the following fees were charged for this application on July 25, 2006:

Examination Fee:	\$200.00
Search Fee:	\$400.00
Extra Claim Fees:	\$1,400.00
Extra Independent Claim Fees:	\$1,000.00
Multiple Dependent Claim Fee:	\$360.00
<b>Total:</b>	<b>\$3,360.00</b>

A copy of page 5 of the Statement is attached for reference (**Exhibit B**), along with a copy of the Fee Record Sheet obtained from PAIR (**Exhibit C**). Since Applicants had not provided Deposit Account authority in this application, Applicants request a refund of the complete amount (\$3,360.00) that was improperly withdrawn from Deposit Account 02-4550.

The accompanying Preliminary Amendment will require fees of \$3,000.00. This leaves a net refund due of \$360.00.

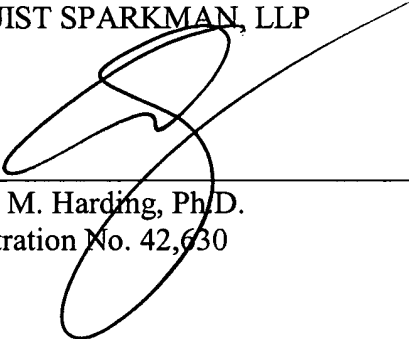
**Please credit the \$360.00 refund to Deposit Account No. 02-4550.** Should you require further information to process this refund request, please telephone the undersigned.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By

  
\_\_\_\_\_  
Tanya M. Harding, Ph.D.  
Registration No. 42,630

cc: Docketing

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A NATIONAL STAGE FILING UNDER 35 U.S.C. § 371

ATTORNEYS DOCKET NUMBER

6947-73362-01

U.S. APPLICATION NO. (If known, see 37 C.F.R. § 1.5)

INTERNATIONAL APPLICATION NO.  
PCT/GB2004/003349INTERNATIONAL FILING DATE  
2 August 2004 (02.08.2004)PRIORITY DATE CLAIMED  
12 August 2003 (12.08.2003)TITLE OF INVENTION  
PROKARYOTIC DNA REPAIR LIGASES

APPLICANT(S) FOR DO/EO/US

Aidan DOHERTY, Marina DELLA, Geoffrey WELLER, Stephen JACKSON

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. § 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. § 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. § 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. § 371(b) and PCT Articles 22 and 39(1). Items 5, 6, 9 and 21 indicated below are submitted to make this express request.
4. ☐ The United States has been elected in a Demand for International Preliminary Examination (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. § 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English-language translation of the International Application (35 U.S.C. § 371(c)(2))
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. § 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau to the United States Receiving Office).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English-language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. § 371(c)(3)).
9. ☒ A Combined Declaration (35 U.S.C. § 371(c)(4)) and Power of Attorney (unsigned).
10. ☐ An English-language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. § 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. §§ 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. §§ 3.28 and 3.31 and the Recordal fee of \$40.00 are included.
13. ☒ A preliminary amendment, including an Abstract on a separate page.
14. ☐ An Application Data Sheet under 37 C.F.R. § 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. §§ 1.821 - 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. § 154(d)(4).
19. ☐ A second copy of the English-language translation of the international application under 35 U.S.C. § 154(d)(4).
20. ☒ Other items or information:
  - ☒ International Search Report (as published with the International Application WO 2005/017140 A1).

DOCKETED FOR:

5/10/06

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2/10/07

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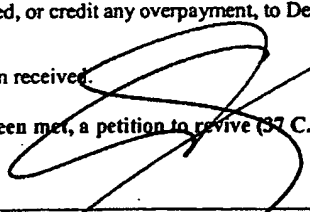
CC:

EXHIBIT

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U.S. APPLICATION NO. (if known, see 37 C.F.R. § 1.5)		INTERNATIONAL APPLICATION NO. PCT/GB2004/003349		ATTORNEY'S DOCKET NUMBER 6947-73362-01	
The following fees are submitted:					
21. <input checked="" type="checkbox"/> Basic national fee (37 C.F.R. 1.492(a)).....\$300				\$	300.00
22. <input checked="" type="checkbox"/> Examination fee (37 C.F.R. 1.492 (c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations .....\$200				\$	200.00
23. <input checked="" type="checkbox"/> Search fee (37 C.F.R. 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Articles 33(1)-(4).....\$0 Search fee (37 C.F.R. 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....\$400 All other situations .....\$500				\$	400.00
<b>TOTAL OF 21, 22, and 23 =</b>				<b>\$</b>	<b>900.00</b>
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
52 - 100	0 / 50 =	0	x \$250	\$	0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 C.F.R. § 1.492(e)).				\$	130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	43 - 20 =	23	x \$50.00	\$	1,150.00
Independent Claims	8 - 3 =	5	x \$200.00	\$	1,000.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	360.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$</b>	<b>3,540.00</b>
<input type="checkbox"/> Small entity status is claimed for this application. Fees above are reduced by 1/2.				\$	0.00
<b>SUBTOTAL =</b>				<b>\$</b>	<b>3,540.00</b>
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 C.F.R. §§ 1.492(f)).				\$	0.00
<b>TOTAL NATIONAL FEE =</b>				<b>\$</b>	<b>3,540.00</b>
Fee for recording the enclosed assignment (37 C.F.R. § 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. §§ 3.28, 3.31). \$40.00 per property.				\$	0.00
<b>TOTAL FEES ENCLOSED =</b>				<b>\$</b>	<b>300.00</b>
				Amount to be refunded	\$
				Amount to be charged	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>300.00</u> to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input type="checkbox"/> The Director is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. <u>02-4550</u> . A duplicate copy of this sheet is enclosed.					
d. <input checked="" type="checkbox"/> Please return the enclosed postcard to confirm that the items listed above have been received.					
<b>NOTE:</b> Where an appropriate time limit under 37 C.F.R. § 1.494 or § 1.495 has not been met, a petition to revive (37 C.F.R. § 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO THE ADDRESS ASSOCIATED WITH					
<b>CUSTOMER NUMBER 24197</b>					
KLARQUIST SPARKMAN, LLP One World Trade Center, Suite 1600 121 S.W. Salmon Street Portland, OR 97204-2988					
SIGNATURE  Tanya M. Harding, Ph.D. NAME <u>42,630</u> REGISTRATION NUMBER					

EXHIBIT

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page 2 of 2

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PATENT APPLICATION SERIAL NO. 10/568055

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

7/15/2006 EFREY1 00000130 10568055

FC:1631 300.00 DP

07/25/2006 SAHRED1 00000001 024550 10568055

01 FC:1633	200.00 DA
02 FC:1642	400.00 DA
03 FC:1615	1400.00 DA
04 FC:1614	1000.00 DA
05 FC:1616	360.00 DA

PTO-1556  
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U.S. Government Printing Office: 2002 — 480-257/48023



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